

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GAVIN FINDERS, et al.,

Plaintiffs,

- against -

BK 19 INC., et al.,

Defendants.
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19-CV-11802 (ALC) (RWL)

ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/26/2022

ROBERT W. LEHRBURGER, United States Magistrate Judge.

As discussed during the conference held via Teams on July 26, 2022:

1. Plaintiff's motion at Dkt. 122 to strike the Rabasco Affidavit is DENIED.
2. Plaintiff's motion at Dkt. 122 for a finding of spoliation is DENIED.
3. The Court finds Defendants, other than Rabasco, in contempt for failing to comply with the Court's orders at Dkt. 104 and 108.
4. As a discovery and contempt sanction, Defendants, other than Rabasco, shall pay to Plaintiff all of Plaintiff's costs in moving for relief in connection with Defendants' failure to comply with their discovery obligations and court orders, which includes the letter motions at Dkt. 109 and 122 and time for the conference held on July 26, 2022. Such payment shall be made within 30 days of Plaintiff's providing a bill of costs to Defendants.
5. Plaintiff's motion for termination sanctions at Dkt. 109 and 122 is DENIED.
6. By August 9, 2022, Defendant BMS 1989 shall produce to Plaintiffs any remaining documents within its possession, custody, or control, and shall also file an affidavit sworn to be an officer of BMS 1989 that it has fully complied with this order.

7. By August 5, 2022, the parties shall meet and confer and file a proposed revised schedule for completion of discovery (including both fact and expert).

8. If Plaintiff seeks to press the issue of coercive sanctions incurred prior to June 21, 2022, Plaintiff shall file a letter brief by August 4, 2022. If Plaintiff files such letter brief, Defendants shall file any response by August 11, 2022.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: July 26, 2022
New York, New York